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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,345	07/05/2001	Allen Yu	10015353-1	2176

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/899,345

**Applicant(s)**

YU, ALLEN

**Examiner**

Joshua D Campbell

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11 and 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment filed on 02/10/2005.
2. Claims 1, 3-11, and 13-23 are pending in this case. Claims 1, 11, 16, 20, 22, and 23 are independent claims. Claims 2 and 12 have been cancelled. Claims 1, 6, 7, 11, and 23 have been amended.
3. The rejection of claims 6 and 7 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, has been withdrawn due to amendments.
4. The rejection of claims 1, 3-11, and 13-15 under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (hereinafter Knight, US Patent Number 6,493,703, filed on May 11, 1999) in view of Tso (US Patent Number 6,742,047, filed on December 30, 1997) has been adapted to include the limitations of claim 2 and 12 that were amended into the independent claims 1 and 11.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (hereinafter Knight, US Patent Number 6,493,703, filed

on May 11, 1999) in view of Tso (US Patent Number 6,742,047, filed on December 30, 1997) further in view of Williams (US Patent Application Publication Number 2001/0054029, filed on June 12, 2001).

**Regarding independent claim 1**, Knight discloses a method in which pluralities of resources (digital objects) are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that categories are accessed that include a plurality of keywords associated with them. However, Tso discloses a method in which the keywords are obtained from a list of categories that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided a better method of dynamic organization to keep pace with the increasing number of new documents.

Neither Knight nor Tso disclose a method in which period of time since user activity occurred is used to weight activities. However, Williams discloses a method in which the presentation of specific digital objects is based on the amount of time that has passed since the user last viewed the object (page 1, paragraph 0005 of Williams). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have combined the methods of Knight and Tso with the method of Williams because it would have allowed all objects an equal chance to be delivered as often as the other objects.

**Regarding dependent claims 3 and 4,** Knight discloses a method in which the objects are delivered based on the aggregated activity of the community, this activity being recorded on an aggregate community basis (column 25, line 23-column 26, line 54 of Knight).

**Regarding dependent claim 5,** Knight discloses a method in which the activity levels are recorded on an individual basis then aggregated to determine the community levels of activity (column 25, line 23-column 26, line 54 of Knight).

**Regarding dependent claims 6 and 7,** Knight discloses that a user may be in more than one community and a community may support many users (column 19, line 33-column 20, line 20 of Knight).

**Regarding dependent claim 8,** Knight discloses a method in which the type of the community is determined by using keyword pattern recognition (column 19, line 33-column 20, line 20 of Knight).

**Regarding dependent claims 9 and 10,** Knight discloses a method in which the content editors define the community (subscription service) and also discloses a method in which the users define the community (subscribing to specific communities) (column 19, line 33-column 20, line 20 of Knight).

**Regarding independent claim 11 and dependent claims 13-15**, the claims incorporate substantially similar subject matter as claims 1 and 3-5. Thus, the claims are rejected along the same rationale as claims 1 and 3-5.

7. Claims 16-18 and 20-23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (hereinafter Knight, US Patent Number 6,493,703, filed on May 11, 1999) in view of Tso (US Patent Number 6,742,047, filed on December 30, 1997).

**Regarding independent claim 16**, Knight discloses a method in which pluralities of resources (digital objects) are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that search contexts are accessed that include a plurality of keywords associated with them. However, Tso discloses a method in which the keywords are obtained from a list of categories (search contexts) that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided a better method of dynamic organization to keep pace with the increasing number of new documents.

**Regarding dependent claims 17 and 18,** Knight discloses a method in which search results are weighted based on user activity levels and then ranked based on the weighting ().

**Regarding independent claim 20,** Knight discloses a method in which pluralities of resources (digital objects), including news sources, are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that categories are accessed that include a plurality of keywords associated with them. However, Tso discloses a method in which the keywords are obtained from a list of categories that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided a better method of dynamic organization to keep pace with the increasing number of new documents.

**Regarding dependent claim 21,** Knight discloses a method in which the objects are delivered based on objects having a higher aggregated activity of the community, this activity being recorded on an aggregate community basis (column 25, line 23-column 26, line 54 of Knight).

**Regarding independent claims 22**, Knight discloses a method in which pluralities of resources (digital objects), including advertisements (i.e. electronic shopping), are associated with keywords (column 19, line 33-column 20, line 20 of Knight). User activity levels for keywords are obtained based on access of users that belong to a community (column 25, line 23-column 26, line 54 of Knight). The activity levels are prioritized for the keywords within the community and digital objects are delivered based on the communities' keywords that have high user activity levels (column 25, line 23-column 26, line 54 of Knight). Knight does not disclose that categories are accessed that include a plurality of keywords associated with them. However, Tso discloses a method in which the keywords are obtained from a list of categories that have keywords associated with them (column 2, lines 6-64 of Tso). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso because it would have provided a better method of dynamic organization to keep pace with the increasing number of new documents.

**Regarding independent claim 23**, the claim incorporates substantially similar subject matter as claim 1. Thus, the claim is rejected along the same rationale as claim 1.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (hereinafter Knight, US Patent Number 6,493,703, filed on May 11, 1999) in view of



Tso (US Patent Number 6,742,047, filed on December 30, 1997) further in view of Davis et al. (hereinafter Davis, US Patent Number 6,269,361, issued on June 31, 2001).

**Regarding dependent claim 19**, neither Knight nor Tso disclose a method in which an activity count is incremented for resource selection based on a search context. However, Davis discloses a method in which resource selection based on a search is counted by incrementing a counter in order to keep track of user selections (column 21, line 66-column 22, line 53 of Davis). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Knight and Tso with the method of Davis because as disclosed by Davis this process was a well-known process in the art.

### ***Response to Arguments***

9. Applicant's arguments filed 02/10/2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The arguments presented on page 10, final two paragraphs, page 12, final two paragraphs, page 13, first two paragraphs, page 14, first two paragraphs, and page 15, final paragraph, are all arguing deficiencies in one particular reference that are stated as being taught by a separate reference in the 35 U.S.C. 103(a) rejection presented

previously and currently. By using a 35 U.S.C. 103(a) rejection the examiner is admitting that of the prior art cited none of the references fully teach the claimed invention, but rather in combination the references would have made the claimed invention obvious to one of ordinary skill in the art at the time of the invention, thus the arguments listed above do not hold weight against the rejection as previously and currently presented.

Regarding the arguments on pages 9-10, regarding the Knight reference and the limitation associating a plurality of digital objects with keywords, the examiner believes that limitation is taught as stated in the previous and current rejections. Specifically, the Knight reference states that queries are broken down into keywords that are then used to designate content, or in other words keywords are associated with digital objects (column 19, lines 58-67 of Knight).

Regarding the arguments on pages 11-12, regarding the Williams reference and the limitation weighting user activities associated with keywords, based on a time period that has passed since user activity occurred, the examiner believes that limitation is taught as stated in the previous and current rejections. The document weights what objects (images) will be shown next based on the last user activity that has occurred and the amount of time that has occurred between activities. For instance, objects may be weighted to show during certain time periods, daily, monthly, etc. and the selection is also influenced by the last object that was shown, thus the objects are weighted based on the time period in which the last object occurred and the time period of the current

request, which is then further weighted based on what the last object requested was (page 1, paragraph 0005 of Williams and page 4, paragraph 0024).

Regarding the arguments on pages 13-15, regarding the Knight reference and the limitations concerning the digital objects being related to News and Shopping information, the examiner believes that limitation is taught as stated in the previous and current rejections. Knight clearly states that the objects can be related to News (see Abstract of Knight) and advertisements (column 20, lines 31-50 of Knight). As stated by the applicant in the applicants own arguments (page 15, paragraph 1 of the Arguments submitted on 02/10/2005), shopping items consists of the ability to deliver promotions based on communities activities, which is pointed out in the cited paragraph from the Knight reference.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC  
May 13, 2005

  
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